

Remarks/Arguments

I. Status of the Claims:

Claims 1 – 9, 12 – 14, 19 – 21, 50, 53 – 56, 58 – 60, 62 – 65, 67 – 69, 71, 75, 79 – 82, 85 – 91, 93 – 101, 103 and 104 stand rejected. Claim 77 is allowed. Claims 18 and 73 are objected to. Claims 1, 71, 85 and 86 are presently amended. Claims 50, 53 – 56, 58 – 60, 62 – 65, 67 – 69 and 93 are cancelled without prejudice and disclaimer. Claims 105 – 114 are new. Claims 1-9, 12-14, 18-21, 71, 73, 75, 77, 79-82, 85-91, 94-101 and 103-114 are pending in the case. No new matter has been added. Support for the amendments and the newly added claims may be found throughout the specification. For example, support may be found at least on in paragraphs 19-27, 47 and 51 – 62, in the originally filed claims, and in FIGs. 1 – 8 of the specification as published. Accordingly, entry of the amendments is respectfully requested.

II. Rejections Under 35 U.S.C. § 112:

Claims 85 and 86 stand rejected under 35 USC §112, second as allegedly indefinite. Claims 85 and 86 have been amended for clarification. Accordingly, Applicant respectfully requests that the indefiniteness rejections be removed.

III. Rejections Under 35 U.S.C. § 103:

Claims 1-4, 62, 71, 85-87, 91 and 94-101 stand rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 3,715,295 to Tocci (hereinafter “Tocci”) in view of U.S. Patent No. 3,888,759 to Elson, *et al.* (hereinafter “Elson”). Applicant respectfully disagrees with these rejections. Nevertheless, in the interest of advancing prosecution of the case, and without agreeing or acquiescing to the Examiner’s rationale in support of the obviousness rejections, Applicant has amended claims 1 and 71 to include the feature “a continuous electrophoretic separation medium comprising: an electrophoresis gel matrix; sufficient ions for performing electrophoresis; and one or more wells in the electrophoresis gel matrix, wherein each well is located below the one of the apertures; wherein the continuous electrophoretic separation medium substantially occupies the first region, the second region and the third region, and wherein at least

a portion of the anode and the cathode are in contact with the continuous electrophoretic separation medium” Applicant submits that neither Tocci nor Elson, taken alone or in combination, appear to teach or suggest the combination of features found in amended claims 1 and 71 or any of the claims depending therefrom.

In particular, neither Tocci nor Elson teach or suggest the feature “wherein the continuous electrophoretic separation medium substantially occupies the first region, the second region and the third region, and wherein at least a portion of the anode and the cathode are in contact with the continuous electrophoretic separation medium”. In Tocci’s system, the support medium is placed at the top of the chamber, and the semi-solid buffer is placed in buffer chambers 6 and 7, where the electrodes reside. Tocci states “Positioned within the chamber 1 are a pair of buffer vessels 6 and 7. The vessels 6 and 7 are open at the top and positioned parallel to the end walls 2 of the chamber 1. Buffer in semi-solid form is placed within the vessels 6 and 7 ... A foil electrode 8 of suitable conducting properties is provided for retention within each of the buffer vessels 6 and 7 and is shaped to substantially fit within the vessels 6 and 7 as seen in FIG. 2 ... A sheet 12 positioned across the top of the two wells 6 and 7 has an intermediate support portion adapted to receive and hold a suitable medium for electrophoresis. The medium is in electrical contact with the semi-solid buffer in buffer vessels 6 and 7” (Tocci, Col. 4, lines 37 – 63).

In light of the above, Applicant submits that neither Tocci nor Elson, taken alone or in combination, teach or suggest the combination of features set forth in amended claims 1 and 71, or any of the claims depending therefrom. Consequently, Applicant submits the instant claims are unobvious over the cited references.

Claims 5, 6, 63, 64, 75 and 88 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci in view of Elson as applied above, and further in view of Pace. While Applicant disagrees with the substance of these rejections, they are nevertheless believed to be moot in light of the amendments made to claim 1 and 71 above. Pace does not remedy the deficiencies of either Tocci or Elson in the context of the amended claims, as described above and incorporated herein. Additionally, claims 63 and 64 have been cancelled for reasons unrelated to

these rejections. Accordingly, Applicant submits the claims 5, 6, 75 and 88 are unobvious over the combination of Tocci, Elson and Pace.

Claims 7-9 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci in view of Elson as applied above, and further in view of Eibl. While Applicant disagrees with the substance of these rejections, they are nevertheless believed to be moot in light of the amendments made to claim 1 and 71 above. Eibl does not remedy the deficiencies of either Tocci or Elson in the context of the amended claims, as described above and incorporated herein. Accordingly, Applicant submits the claims 7-9 are unobvious over the combination of Tocci, Elson and Eibl.

Claims 19-21 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci in view of Elson as applied above, and further in view of Flesher. While Applicant disagrees with the substance of these rejections, they are nevertheless believed to be moot in light of the amendments made to claim 1 and 71 above. Flesher does not remedy the deficiencies of either Tocci or Elson in the context of the amended claims, as described above and incorporated herein. Accordingly, Applicant submits the claims 19-21 are unobvious over the combination of Tocci, Elson and Flesher.

Claims 12-14 and 67-69 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci in view of Elson as applied above, and further in view of Day. While Applicant disagrees with the substance of these rejections, they are nevertheless believed to be moot in light of the amendments made to claim 1 and 71 above. Day does not remedy the deficiencies of either Tocci or Elson in the context of the amended claims, as described above and incorporated herein. Additionally, claims 67-69 have been cancelled for reasons unrelated to these rejection. Accordingly, Applicant submits the claims 12-14 are unobvious over the combination of Tocci, Elson and Day.

Claims 53, 56, 65, 79-82, 89, 90, 93, 103 and 104 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci as applied above, and further in view of Monthony. While Applicant disagrees with the substance of these rejections, they are nevertheless believed to be moot in light of the amendments made to claim 1 and 71 above. Monthony does not remedy

the deficiencies of Tocci in the context of the amended claims, as described above and incorporated herein. Additionally, claims 53, 56, 65 and 93 have been cancelled for reasons unrelated to these rejections. Accordingly, Applicant submits the claims 79-82, 89, 90, 103 and 104 are unobvious over the combination of Tocci and Monthony.

Claims 54 and 55 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci, Elson, Monthony and Pace. Claims 54 and 55 have been cancelled for reasons unrelated to these rejections.

Claim 50 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci, Elson, Monthony and Eibl. Claim 50 has been cancelled for reasons unrelated to these rejections.

Claims 58-60 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over the Tocci, Elson, Monthony and Day. Claims 58-60 have been cancelled for reasons unrelated to these rejections.

In light of the above, Applicant respectfully submits that the claims are unobvious over the cited references. Accordingly, Applicant respectfully requests the removal of all outstanding rejections under 35 U.S.C. §103 rejections.

CONCLUSION

Applicant hereby respectfully petitions under 37 C.F.R. § 1.136(a) a four (4)-month extension of time for submission of this response and submits the required extension fee via electronic filing. Any additional fees (including but not limited to appropriate petition fees or fees for net addition of claims) are hereby authorized to be charged to our **Deposit Account No. 50-3994**, from which the undersigned is authorized to draw funds.

Respectfully submitted,

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Date: January 12, 2009